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Appln. No. 10/826,749
Amendment dated December 1, 2008
Reply to Office Action mailed September 4, 2008

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 6, 8 through 13, 15, 18 through 23 and 25 remain in this application. Claims 7, 14, 16, 17 and 24 have been cancelled. No claims have been withdrawn. No claims have been added.

Paragraphs 2 through 6 of the Office Action

Claims 1 through 14 and 25 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Aoki in view of Tow and Fukuoka.

Claims 15 through 24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Aoki.

Claim 1, particularly as amended, requires "generating a database table associated with said broadcast program, said associated database table containing a plurality of scene segment records created according to receipt of said user preference signal", "providing to said user a capacity to delete scene segments skipped by said user using said user interface as recorded in said database table as being skipped", "receiving a command from said user to delete skipped scene segments for a broadcast program according to said scene segment records in said database", and "deleting said scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk".

It is conceded in the rejection that:

Aoki... is silent about means for providing a deletion skipped scenes capacity to said user; [and]

means for deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command; and means for regaining an available space on said hard disk storing said plurality of skipped scene segments for future recording.

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But it is then asserted that:

In an analogous art, Tow discloses unwanted scenes or segments can be skipped or deleted from a R-rated movie to create a PG-rated movie for children (Col 4 lines 52-58) which suggests a skipped scene is unwanted by the user and is able to be deleted; Fukuoka further discloses means for providing a deletion scenes capacity to said user to delete unwanted contents to regain an available space in the storage area (Para 29 line 6 to last - last line, Para 62).

And it is further asserted that:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aoki's system to include a deletion unwanted segments, such as skipped scenes capacity to said user, as taught by Tow and Fukuoka to provide the users with options to maintain storage space based on user's preference.

However, it is submitted that the discussion in the Tow patent does not suggest to one of ordinary skill in the art that "a skipped scene is unwanted by the user and is able to be deleted" as asserted above. Instead, the Tow patent, in the only mention of deleting in the entire patent, states at col. 4, lines 52 through 58, where the Tow patent that (all emphasis added):

In a fourth embodiment, a playback device is enabled to detect this editorial information or rating information and skip over or delete certain scenes or frames that have particular information or a rating. For example, a parent could program the system to play an R rated movie yet skip over all of the scenes that are R rated so that a PG movie is created for viewing by children.

It is submitted that the Tow patent discloses to one of ordinary skill in the art that the scene is merely skipped by the playback device--or deleted from the particular playback session of the content. As noted below, at best the Tow patent discusses skipping and deleting in the alternative, one or the other but not both. Clearly, a discussion of performing one function or another function is not a disclosure of the combined function. The Tow patent does not disclose any means or manner for making any deletion of the scenes or frames, and instead merely talks in terms of a playback device that is able to skip the scenes. It is submitted that in the context of the statement regarding deletion, that what is being referred to here is the

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deletion of the scene from the particular playback session, but not a permanent deletion of that portion of the content, as the Tow patent fails to make any mention of any structure that performs the function of deleting the scene from the content.

It is further submitted that even if one believes that the Tow patent discloses that "unwanted scenes or segments can be skipped or deleted from a R-rated movie to create a PG-rated movie for children", this does not lead one of ordinary skill in the art to understand that the scenes can be deleted from the storage location of the content, or that a database record may be altered to remove the information that regards the scene that has been skipped.

Further, the referenced portion of the Tow patent discusses the skipping over or deletion of scenes based upon "editorial or rating information", and not the deletion of scene segment records based upon which scene segments are skipped. Instead, the Tow patent discusses a system in which scenes are skipped OR deleted based upon the associated "editorial or rating information", but does not discuss deletion in response to skipping by the user.

Additionally, the "editorial or rating information" upon which scenes are skipped OR deleted in the Tow system is clearly not related to actions taken by the user with respect to the scenes. The Tow patent further discusses the nature of the "editorial or rating information" at col. 4, lines 29 through 51, which states (all emphasis added):

In a third embodiment, any video information can be viewed by a professional who adds editorial information to the video. For example, editorial information such as tone, emotion, level of violence, or a wide variety of other signified meta-data or editorial content may be presented. The information may include the number of people in a scene, language content, an "adult" rating, and place information. The information can be annotated to the video and then presented to the user in a navigation bar. All of these types of statistics from the video stream are added as annotations to the video file for later analysis by

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the viewer looking at a navigation bar. Advantageously, the annotations are transparent, take up a very few number of bytes, and are readable by the device rendering the video to the viewer. Further, those devices that do not recognize the annotations added to the video file can simply disregard the annotations without affecting presentation of the video. As an extension of this embodiment, movie rating information is annotated to each frame or scene in a video. In this embodiment, a rating is added to the video file for later presentation to a viewer. In this way a viewer can view a navigation bar and determine which type of scenes occur at different places in the video.

It is submitted that this description of the "editorial or rating information" shows that the "information" is not of the type that is supplied or indicated by the user (e.g., by skipping a scene), but instead is information that is supplied with the video and based upon the determination of a "professional" or by a movie rating commission. It is therefore submitted that Tow does not disclose "providing a deletion skipped scenes capacity to said user" and "deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command".

Still further, it is submitted that Tow does not disclose the deletion of a plurality of skipped scene segments stored on said hard disk as the Tow patent merely discusses the "dropping" a scene from the playback of the video. More specifically, the Tow patent states at col. 14, lines 32 through 44 (emphasis added):

At 1105, a frame is acquired. At 1107, it is determined whether the frame should be removed based on the screening criteria. Using the example above, if a screen contains R-rated content, the frame is dropped and it is determined at 1109 whether any frames are remaining. If frames remain, at 1113 another frame is acquired. Alternatively if the frame should not be removed because it is not an R-rated frame, the frames are forwarded to output at 1111. Output can be a display device such as a monitor or a TV screen. After the frame is forwarded to output at 1111, it is determined at 1109 whether any frames remain. If any frames remain, the next frame is acquired to determine whether the frame should be screened.

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It is submitted that, as this discussion relates to the playback of frames of a video, and merely indicates that the screen is "dropped" and not deleted, that one of ordinary skill in the art would understand that the screen or frame is merely not displayed, rather than being deleted from a hard drive.

It is noted that the discussion at col. 4, lines 52 through 58 of Tow relates to the playback of the scenes or frames, and not to the storage of the scenes or frames, and therefore it is submitted to be more likely than not that the discussion relates to deletion from playback (as discussed above) and not deletion from storage.

Again, it is believed to be significant that the only mention of "deleting" or "deletion" in the Tow patent is in the portion of the Tow patent at col. 4, lines 52 through 58 (quoted above), and that that reference to deletion is ambiguous as to whether the scene is actually deleted from storage or merely deleted from playback.,

Therefore, it is submitted that this portion of the Tow patent would not lead one of ordinary skill in the art to the requirements of claim 1, particularly the requirements of "providing a deletion skipped scenes capacity to said user" and "deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command".

It is therefore submitted that the cited patents, and especially any allegedly obvious combinations of Aoki, Tow, and Fukuoka, would not lead one skilled in the art to the applicant's invention as required by claims 1, 8, 11 and 25, and therefore these claims are submitted to be in condition for allowance.

Withdrawal of the §102(e) and §103(a) rejection of claims 1 through 6, 8 through 13, 15, 18 through 23 and 25 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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